

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEOVANNY GARCIA, MELVIN IVAN CHAVEZ,
and NICEFORO MARTIN BAUTISTA, on behalf
of themselves and others similarly situated,

Case No. 11cv6184
(RRM)(RLM)

**DECLARATION
IN SUPPORT OF
DEFAULT BY CLERK**

Plaintiffs,
-against-

AKR CORPORATION dba PALACE FRIED
CHICKEN, NASRULLAH KAMRAN,
GHULEM MOHAMMAD, MOHAMMAD
D. ARIFEE, and WYCKOFF FOOD CORP.
dba PALACE FRIED CHICKEN,

Defendants.

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I, Peter H. Cooper, Esq., declare and state:

1. I am an attorney admitted to practice in the State of New York and in this Court, and I am a member of the law firm Cilenti & Cooper, PLLC, counsel to plaintiffs Jeovanny Garcia, Melvin Ivan Chavez, and Niceforo Martin Bautista ("plaintiffs") in this action. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. I submit this declaration in support of plaintiffs' request that the Clerk of Court enter a default against defendants Ghulem Mohammad and Wyckoff Food Corp. dba Palace Fried Chicken (collectively, "defaulting defendants"), as a result of defaulting defendants' failure to plead or otherwise respond to plaintiff's Complaint.

3. Plaintiff commenced this action by the filing of a Summons and Complaint on December 23, 2011. (*See*, Docket # 1).

4. On December 26, 2011, defaulting defendant Ghulem Mohammad was served with a copy of the Summons and Complaint at the defaulting defendants' principal place of business located at 285 Wyckoff Avenue, Brooklyn, New York 11237, by delivering a copy of the Summons and Complaint to a person of suitable age and discretion who described himself as Ghulem Mohammad's co-worker, at that location. (*See*, Docket # 2).

5. On March 9, 2012, defaulting defendant Wyckoff Food Corp. dba Palace Fried Chicken, was served with a copy of the Amended Summons and Amended Complaint at the defaulting defendants' actual place of business located at 285 Wyckoff Avenue, Brooklyn, New York 11237, by delivering a copy of the Summons and Complaint to "Muhammad Smith", a general agent at that location. (*See*, Docket # 15).

On December 26, 2011, defaulting defendant Ghulem Mohammad was served with a copy of the Summons and Complaint at the defaulting defendants' principal place of business located at 285 Wyckoff Avenue, Brooklyn, New York 11237, by delivering a copy of the Summons and Complaint to a person of suitable age and discretion who described himself as Ghulem Mohammad's co-worker, at that location. (*See*, Docket # 2).

6. Defaulting defendants' Ghulem Mohammad and Wyckoff Food Corp. dba Palace Fried Chicken's time to plead or otherwise respond to plaintiff's Complaint expired on January 17, 2012 and March 30, 2012, respectively.

7. To date this Declarant has had several telephone conversations with Ghulem Mohammad (also known as "Mohammad Ghulam") who has acknowledged receipt of the Summons and Complaint, advised that he consulted with an attorney, but

has yet to, and refuses to, appear in the action. Neither plaintiffs nor the Court has granted the defaulting defendants any extension of time to respond to the Complaint or Amended Complaint.

8. To date, defaulting defendants have not filed an Answer, moved, or otherwise responded or appeared in response to plaintiffs' Complaint or Amended Complaint in this action.

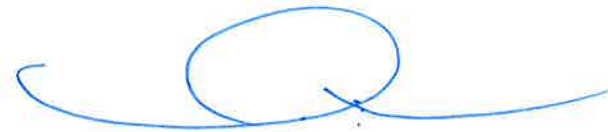
9. To plaintiffs' knowledge and belief, defaulting defendants are not minors, mentally incompetents, nor in the military service of the United States.

10. Defaulting defendants, having failed to appear or otherwise move, are in default.

11. Accordingly, it is respectfully requested that the Clerk of Court enter default against Defendants Ghulem Mohammad and Wyckoff Food Corp. dba Palace Fried Chicken.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 19, 2012, at New York, New York.



PETER H. COOPER